

Customer No. 31,834

Atty. Dkt. No. B0459 PUS

REMARKS

Claims 1-5, 7-9, 11-13 and 17-19 are pending. Claims 2, 7-9, 11, 12 and 17-19 have been withdrawn by the Examiner as being drawn to a non-elected invention/species. Thus, claims 1, 3-5 and 13 are currently under examination. Claim 1 has been amended to delete lysine from the definition of N, the nutrient or pseudo-nutrient. Support for this amendment is found throughout the specification and particularly in the examples. Claim 4 has been amended to delete the phrases "such as" and "such as for instance". No new matter was added.

Restriction Requirement

Applicants are grateful for the modified restriction requirement and request rejoinder of the dependent method claims 17 and 18 once allowable subject matter has been obtained.

Rejections Under 35 U.S.C. § 112, ¶ 2

Claim 4 was rejected for alleged indefiniteness due to recitation of the phrase "such as". Applicants submit that the amendment to claim 4 has rendered this rejection moot.

Rejections Under 35 U.S.C., § 102

Claims 1, 3-5 and 13 were rejected for alleged anticipation by Ranney WO 95/14492 ("Ranney"), which the Examiner asserts discloses a gadolinium-DTPA-lysine complex encompassed by the instant invention. Applicants respectfully traverse. The cited compound is outside the scope of current claims 1, 3-5 and 13 because N may not include lysine. Furthermore, Ranney fails to disclose the claimed MRI detectable species. Ranney teaches that MR imaging and selective localization are only possible when the chelator is bound to a carrier. Thus the cited lysine-containing compound is not only outside the claims, but it is at best an intermediate and is not an MRI detectable species. In summary, Ranney fails to disclose each and every element of the claims and cannot anticipate claims 1, 3-5 and 13.

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Having addressed all outstanding rejections, Applicants submit that the presently pending claims are in condition for allowance. Applicants therefore request the speedy issuance of a notice of allowability.

No fee is believed to be necessary in connection with the filing of this Amendment and Response. However, if any additional fee is necessary, applicant hereby authorizes such fee to be charged to Deposit Account No. 50-2168.

Favorable action is respectfully requested.

Respectfully submitted,



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